

**UNITED STATES COURT FOR THE DISTRICT OF PUERTO RICO  
BEFORE HONORABLE DANIEL R. DOMINGUEZ**

**MINUTES OF PROCEEDINGS**

DATE: June 26, 2003

**CIVIL NO. 98-1306 (DRD)**

LAW CLERK: Seth A. Erbe

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**GRAHAM-FIELD, INC., et al,**  
Plaintiffs,

Attorneys: Kenneth McCulloch

v.

**E 1 ENTERPRISES, INC., et al.,**  
Defendants.

Ignacio Fernandez de Lahongrais

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A Status Conference was held today. It began at 10:35 a.m. and ended at 11:25 a.m. The parties advised the Court as to the status of the case as well as the pending matters for the Court's determination. The Court's rulings are as follows:

- 1) Defendant shall, within five (5) days, answer Plaintiff's request for mediation pursuant to Local Rule 334.
- 2) Defendant is granted fifteen (15) days to identify an economic expert and produce all Rule 26 materials, including the expert report. The Court will grant no further extensions regarding this matter. Failure to comply will result in the exclusion of said expert.
- 3) The parties are granted thirty (30) days from the date of this conference to depose the respective expert witnesses.
- 4) Defendant is granted ten (10) days to answer the Second Amended Complaint.
- 5) The parties are granted ten (10) days to complete any outstanding discovery.

The parties are further advised to carefully follow the Court's orders regarding discovery disputes. Namely, the parties are to attempt to resolve the issue by exchanging correspondence in compliance with Rule 311.14. The parties shall then schedule and meet for a teleconference. If the dispute still lies, the parties are to phone the law clerk for Judge Dominguez, Seth Erbe at (787)-772-3163; Mr. Erbe will either locate the judge immediately or schedule a phone conference with the Judge within five (5) days. The Court shall hold a phone conference to discuss the discovery conflicts, and a minute order shall be issued if the matter can be solved. If not, then the Court shall request the parties to file a motion. If the parties do not hear from the court by the end of the fifth (5) business day, they may then file a related motion if they believe it is still warranted. Failure to comply with this order may result in the Court levying appropriate sanctions.

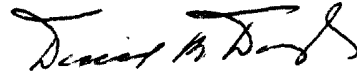
Plaintiff has indicated his interest in pursuing the Second Amended Complaint's claims

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against the individual defendants. The Court notes that a subsequent voluntary dismissal against said individual Defendants would force the Court to re-examine the utility of the Second Amended Complaint; however, at this point in time, such an examination is not necessary.

With regards to the possibility of proceeding to mediation, the Court notes that mediation can be a useful tool in reaching a successful end to litigation. The parties are advised to consider the terms of Local Rule 334 and the approved list of mediators currently on file. The Court suggests that Attorney Guillermo Nigaglioni would be an excellent choice for this particular case since he is an A.B.A. qualified arbitrator/mediator selected in commercial claims under Puerto Rican law. The Court recognizes Attorney Nigaglioni's expertise in Law 75 matters. The Court notes that mediation pursuant to Local Rule 334 is mandatory as the Court has established a mediation rule following the criteria set forth in In Re Atlantic Pipe Corp., 304 F.3d 135 (1<sup>st</sup> Cir. 2002). Notwithstanding that mediation may be imposed by the Court at its discretion within the bounds set forth in Local Rule 334, the suggestions within mediation are non-binding. Upon Defendant's answer for mediation, the Court shall then determine whether this case shall proceed to mediation pursuant to Rule 334.

**IT IS SO ORDERED.**



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**DANIEL R. DOMINGUEZ**  
**U.S. DISTRICT JUDGE**

s/c: Parties to be notified.